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## FAX TRANSMITTAL

**DATE:** January 22, 2002  
**TO:** Renata Hesse, Esq.  
**COMPANY:** Antitrust Division, Department of Justice  
**FAX:** 202.616.9937  
**FROM:** Michael L. Weisel  
**PAGES:** Cover + 2  
**RE:** Microsoft Settlement  
**COMMENTS:**

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January 22, 2002

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Re: Proposed Settlement in Microsoft Litigation

Dear Ms. Hesse:

Let me begin by saying I am by no means an apologist for Microsoft Corporation. In fact, I believe that Microsoft has acted aggressively, perhaps too aggressively, against competitors in the past. More importantly, I believe it is important that certain protections be built in to insure against future anti-competitive actions.

However, I agree with North Carolina's Attorney General Roy Cooper that the proposed settlement strikes a reasonable compromise between the "drastically reduced liability" held by the Court of Appeals and the wishes of Microsoft competitors for more stringent sanctions against the company.

The settlement provides an enforcement mechanism – including resources, access and authority – to respond to complaints about Microsoft's compliance. It creates an independent technical committee with the power to hire staff on-site and at Microsoft's expense.

For consumers, computer manufacturers and information technology providers, the settlement provides guarantees of flexibility and access to technical specifications. And

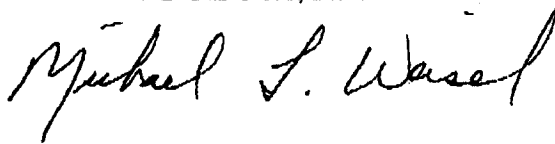
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for all involved, most important, the settlement provides a chance to get back to work at a time when our nation needs to focus on restoring economic vitality and growth.

In sum, I believe the settlement recognizes the diminishing returns that are likely to be realized by a prolongation of this litigation. Accordingly, I hope the court will approve the settlement.

Very truly yours,

ALLEN AND PINNIX, P.A.



Michael L. Weisel

mlw/tsr